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Prime Minister

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I am sure that Mr English has an ulterior purpose in making this enquiry; and it may well be that he is preparing the way to ask you about "Questions of Procedure" in the House. But it should not be difficult to deal with him, if he does.

Ref. A03609

MR. WHITMORE

BWH  
26.11.

Questions of Procedure for Ministers

Mr. Michael English MP wrote to me on 6th November to say that he was interested in the history of "Rules for the Guidance of Ministers" and that, although he realised recent documents were likely to be restricted by the 30 Year Rule, he imagined that guidances issued by Mr. Churchill and Mr. Attlee, when they were Prime Ministers, should be available in the Public Record Office. He asked whether I could let him have the references, since the PRO index for these papers was not up to date.

2. Enquiries which have been made by the Cabinet Office reveal that the relevant papers are indeed in the PRO and open for consultation. I have therefore given Mr. English the information which he seeks, in a letter of which I attach a copy.

3. I doubt whether Mr. English's enquiry is that of a purely disinterested searcher after truth. Questions of Procedure for Ministers is periodically the object of Questions from Members of Parliament to the Prime Minister, and it has hitherto been the Prime Minister's practice to refuse requests to publish them or to place a copy in the Library of the House of Commons. Questions about individual procedural questions involving Ministers are dealt with on an ad hoc basis. I suspect that the real motive for Mr. English's enquiry about Questions of Procedure under previous Administrations is to provide himself with a basis for asking Questions about current procedure and attempting to discover whether points covered in Questions of Procedure drawn up by Mr. Churchill or Mr. Attlee are reflected in the existing version.

4. As an example of what Mr. English may be after, I attach a copy of what he will probably find the most useful document among those to which he can have access in the PRO, namely a version of Questions of Procedure issued by Mr. Attlee on 29th April 1949. This was the first occasion of a consolidated



document of guidance on a miscellany of procedural matters which had thitherto been dealt with separately. You will see that, although "Questions of Procedure" has been substantially changed and amended since then, its general approach and content is not dissimilar from the present version. There is plenty of material here for Mr. English to use as a quarry in tackling the Prime Minister and her colleagues about aspects of current Government policy and the conformity of existing procedures with those set out in the 1949 document. Questions from Mr. English on this subject can be expected to surface in due course.

ROBERT ARMSTRONG

20th November, 1980



CABINET OFFICE

70 Whitehall, London SW1A 2AS Telephone 01-233 8319

*From the Secretary of the Cabinet: Sir Robert Armstrong KCB CVO*

Ref. A03621

20th November, 1980

I promised to look into the enquiry in your letter of 5th November about the rules for the guidance of Ministers.

The sources involved are all at the Public Record Office. We have not ourselves requisitioned them from the PRO to confirm their contents, but we believe that these references will provide you with what you are looking for.

The principal reference should be the Cabinet Office registered file 4/1/6A on "Cabinet Procedure". Parts 1 and 2, under PRO references CAB21/778 and CAB21/1622 respectively, cover the periods 1931-47. These should contain the notes for guidance issued to earlier Governments and at the beginning of the Attlee Administration. These latter were issued in the form of Cabinet memoranda, as you will see from CP(45) 99, 100 and 306 which may be found alternatively in the bound volumes CAB 66/67 and CAB 129/5.

Because of its closure date, the next part of file 4/1/6A part 3, covering the period 1947-56, is not yet open. But the only relevant item which it contains for the open period, i. e. up to 1950, is a copy of CP(49) 95 which you can obtain at the PRO in CAB 129/34. CP(49) 95 was the first document to consolidate, under the heading "Questions of Procedure for Ministers", a variety of procedural directives which had previously been issued on an ad hoc basis.

Michael English, Esq., MP

Cab 129/34

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CONFIDENTIAL

Copy No. 246

C.P. (49) 95

*29th April, 1949*

**CABINET**

**QUESTIONS OF PROCEDURE FOR MINISTERS**

**NOTE BY THE PRIME MINISTER**

My colleagues may find it convenient to have this consolidated and revised statement of the directives which I have issued from time to time on points of procedure and similar matters. Special attention is drawn to the instructions in paragraph 40 regarding references in Ministerial speeches to Commonwealth affairs, which have not been included in any of my previous directives.

2. I should be glad if Ministers in charge of Departments would bring to the notice of Junior Ministers and officials such sections as concern them. For this purpose additional copies may be obtained from the Cabinet Office.

C. R. A.

10, *Downing Street, S.W.1,*  
*29th April, 1949.*

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CONFIDENTIAL

## QUESTIONS OF PROCEDURE FOR MINISTERS

### I.—CABINET PROCEDURE

#### Preparation of Business for the Cabinet

1. The business of the Cabinet consists, in the main, of—

- (i) Questions of major policy which affect a number of Departments or engage the collective responsibility of the Government.
- (ii) Questions on which there is a conflict of interest between Departments which has not been resolved.

2. Except in cases of extreme urgency, questions falling under the second of these heads should not be referred to the Cabinet until all possible means of resolving the conflict have been exhausted, including personal correspondence or discussion between the Ministers concerned.

3. Similarly, it is the rule that matters falling under the first head should be thoroughly examined at the official level, if necessarily interdepartmentally, before they are referred to Ministers, so that the policy decisions required may be clearly defined.

4. Proposals which involve expenditure or affect general financial or economic policy should always be discussed with the Treasury—and, if Treasury agreement has not been secured at the official level, with the Chancellor of the Exchequer—before they are submitted to the Cabinet or to a Ministerial Committee. Full consideration must also be given to the probable cost in terms of man-power of any proposal involving new or extended administrative commitments. It is a standing instruction that any proposals submitted for consideration shall, if they would involve the employment of additional staff or would place a financial burden on the Exchequer, be accompanied by an estimate of—

- (a) the man-power likely to be required by Government Departments (and also, where practicable, an estimate of the man-power required outside the Government service); and
- (b) the cost to the Exchequer whether direct or through grants-in-aid of local rates.

An indication should always be given that the cost to the Exchequer has been discussed with the Treasury; and special attention should be drawn to proposals of whose potential man-power requirements the Treasury have not been informed.

5. These rules do not, of course, limit the right of Ministers to submit to the Cabinet memoranda setting out their views on general issues of policy.

6. Ministers should not hesitate to consult the Law Officers, as colleagues in the Government, on legal questions which arise in the formulation and administration of policy.

7. Matters which fall wholly within the Departmental responsibility of a single Minister and do not engage the collective responsibility of the Government need not be brought to Cabinet at all. A precise definition of such matters cannot be given and in borderline cases a Minister is well advised to bring the matter before his colleagues.

8. When a Minister wishes to raise a matter orally at the Cabinet, the Prime Minister's consent should be sought; and the earliest possible notice should be given to the Secretary.

#### Cabinet Memoranda

9. A memorandum intended for consideration by the Cabinet, other than one commenting on a memorandum already circulated, must be circulated two clear

days before the meeting at which it is to be considered. A precise formulation of this rule has been issued to all Departments by the Secretary of the Cabinet, who is responsible for seeing that it is strictly enforced. The permission of the Prime Minister is required for any exception to this rule and will be granted only in cases of extreme urgency.

10. Memoranda for the Cabinet should be as brief and as clear as possible. The model memorandum explains at the outset what the problem is, indicates briefly the relevant considerations and concludes with a precise statement of the decision sought. While it is sometimes useful to include a summary of the main points brought out in the body of the memorandum, such a summary should never exceed a few lines; any longer summary defeats its purpose and simply means repetition. So far as possible prefatory covering notes should be avoided. To facilitate reference in discussion, paragraphs should be numbered. Supporting data may often be relegated to an Appendix. If authority is sought to make a statement or despatch a telegram a draft may be attached. Time spent in making a memorandum short and clear will be saved many times over in reading and in discussion; and it is the duty of Ministers to ensure that this is done by personal scrutiny, and where necessary revision, of the memoranda submitted to them by their officials. In particular, the use of unnecessary neologisms and obscure technical terms should be avoided.

11. Cabinet memoranda (as distinct from memoranda for Cabinet Committees) are normally reproduced by the Cabinet Office, the text being sent by the originating Department to the Cabinet Office for the purpose. If, for any reason, a Cabinet memorandum is reproduced by the originating Department, all copies thus reproduced must be sent to the Cabinet Office, application being made to the Cabinet Office for any additional copies required by the reproducing Department. If an originating Department so wishes, a standing arrangement may be made whereby the Cabinet Office will automatically supply a fixed number of additional copies of memoranda.

12. Subject to such special instructions in regard to any particular paper as he may receive from the Prime Minister or from the responsible Minister, the Secretary circulates memoranda and other documents prepared for their use to all members of the Cabinet and, where appropriate, to other Ministers whose Departments are affected.

13. In no circumstances, other than those provided for in paragraph 11 above, are Cabinet memoranda to be reproduced or copied in Departments. If a Department requires an additional copy or copies of a memorandum, application must in every case be made to the Cabinet Office.

#### **Attendance at Cabinet**

14. It is of assistance to the Secretary if Private Secretaries indicate, when asking for a subject to be placed on the Agenda, which Ministers, other than members of the Cabinet, are likely to be affected, so that arrangements may, if necessary, be made for their attendance.

15. Ministers summoned to meetings of the Cabinet for particular items will receive an Agenda Paper on which an approximate time will be set against each item. Every endeavour is made not to keep Ministers waiting, but the time at which each item will be reached cannot be forecast exactly. Cabinet meetings take precedence over other business. The utmost endeavours should be made by Ministers to be punctual and thus avoid wasting the time of their colleagues.

16. The Prime Minister's Private Secretary on duty at the Cabinet room is responsible for ensuring that the proceedings of the Cabinet are not disturbed. To assist him, Ministers should give general instructions that messages are not to be sent to them while in Cabinet, unless they are so urgent that they cannot wait until the end of the meeting.

17. If a member of the Cabinet, or a Minister summoned for a particular item, is unable, for any reason, to be present at a Meeting of the Cabinet, he should notify the Secretary, who will inform the Prime Minister and will also consider whether any rearrangement of business is required.

18. The Secretary should also be informed of Ministers' out-of-town engagements, and also of their week-end and holiday arrangements, in order that, if some sudden emergency arises, he may be in a position to inform the Prime Minister at once which Ministers are immediately available.

### Cabinet Conclusions

19. It is an instruction to the Secretary, in drafting Cabinet Conclusions, to avoid, so far as practicable, reference to opinions expressed by particular Ministers. The record in respect of each item will be limited to the decision of the Cabinet, together with such summary of the discussion as may be necessary for the guidance of those called upon to take action on the decision. Matters of exceptional secrecy may be recorded in a "Confidential Annex."

20. Copies of the Conclusions are circulated by the Secretary to Cabinet Ministers and Ministers of Cabinet rank. Copies of "Confidential Annexes" are sent only to the Ministers directly concerned.

21. Any suggested amendments to Cabinet Conclusions must reach the Secretary not later than the next day but one following that on which the Meeting was held. Thereafter the Conclusions will be sent to be printed in final form.

22. All Ministers are responsible for giving such instructions to their Departments as may be necessary to give effect to the Conclusions of the Cabinet, and for communicating to subordinate Departments or branches decisions of which they should be made aware. Where an urgent matter arises in Cabinet unexpectedly, and a decision is reached requiring immediate action by a Department not represented at the meeting, the Secretary will ensure that the Department concerned is notified forthwith.

23. Where a Department has to take action upon, or is otherwise directly affected by, a particular Conclusion, the actual decisions of the Cabinet on that matter may be copied in the Department, together with so much of the record of the discussion as is essential to a proper understanding of them, and these extracts may be passed to responsible officers in the Department, as may be necessary. The distribution within a Department of such extracts from Cabinet Conclusions should be limited to the occasions on which it is strictly necessary for the efficient discharge of public business and care should be taken to see that extracts are sent only to those officers of the Department who need be acquainted with the actual terms of the decision. Duplicate copies of the complete Conclusions are not issued for this purpose by the Cabinet Office save in exceptional cases. Where action has to be taken at once by a Department without waiting for the circulation of the full Conclusions, application may be made to the Secretary for an advance copy of the relevant Conclusions.

24. In this connection the position of the Parliamentary Secretary should not be overlooked. He may have to deputise for his Minister, at Cabinet or in the House, at short notice. Apart from any special responsibility assigned to him in a limited field, he should be fully informed of the work of the Department and kept in general touch with all Cabinet matters affecting it, so that when called upon to attend a meeting in place of the Minister he understands the subject and does not merely recite a brief. (On the work of Parliamentary Secretaries generally see C.P. (49) 31.)

### Return of Cabinet Documents

25. Cabinet documents remain the property of the Crown. The normal practice is therefore, that Ministers, on relinquishing office, return to the Cabinet Office all Cabinet documents, with the exception of any immediately required for current administration, which may be handed on to their successors. In order to facilitate this arrangement, Ministers are asked to arrange for the return to the Cabinet Office during their tenure of office, say, at intervals of three to six months of such Cabinet documents as are not required for current administration.

The provision above for handing on certain Cabinet documents to a Minister's successor does not always apply on a change of Government: special instructions will be issued to cover such cases.

## II.—COMMITTEES OF THE CABINET

### Committee Procedure

26. The procedure outlined above applies *mutatis mutandis* to Ministerial Committees of the Cabinet.

27. While Committee meetings provide at times a useful forum for the discussion of policy and for enabling Ministers to ensure that their points of view

are understood and to make a contribution to the formulation of policy, their prime object is the despatch of business and the making of decisions. Interdepartmental questions should be settled as far as possible between officials, or failing that between Ministers, of the Departments directly concerned. They should not be allowed to drag on. Where colleagues have to be consulted, but only two or three are directly concerned, agreement can often be reached by correspondence or by personal meetings; much time can be saved by personal contact. Failing agreement recourse can be had to the Prime Minister, Lord President or Chancellor of the Exchequer. This will often make it unnecessary to take the matter to a Committee.

28. Particular points which the Prime Minister wishes the Chairmen of Committees to keep in mind are:—

- (a) Care should be taken to prevent papers coming forward for discussion which could be settled otherwise; and Secretaries of Committees should be encouraged to submit suggestions for reducing the amount of business to be transacted at full meetings.
- (b) Attendance should be restricted to the permanent members and other Ministers who have a major interest in the question under discussion. Ministers should not be required to sit through lengthy discussions in case points affecting their Departments should be raised; nor should they insist on attending meetings for the purpose of making Departmental points which have no important bearing on the main issues under discussion. Arrangements should be made for the attendance of one of the Law Officers at meetings at which legal issues are likely to arise.
- (c) Discussion should be kept to the point; irrelevance or repetition should be checked.
- (d) Conclusions should not be framed in a way which will require further discussion by Ministers, if that is not necessary. Once a policy decision has been taken, responsibility for its detailed working out and the supervision of its execution can usually be left to the Ministers departmentally concerned.
- (e) The dilatory process of referring a question from one Committee to another should be avoided as far as possible.
- (f) Much time is lost in the aggregate if meetings do not begin punctually at the appointed hour.

#### Secrecy of Cabinet Committees

29. While the collective responsibility of Ministers often calls for discussion between Ministers on some important question which falls wholly or mainly within the purview of a single Department, the normal course is for the resulting decision to be announced and defended by the Minister concerned as his own decision.

30. There may be rare occasions when it is desirable to emphasise the importance of some decision by stating specifically that it is the decision of His Majesty's Government. This, however, should be the exception rather than the rule. The growth of any general practice whereby decisions of the Cabinet were announced as such would lead to embarrassment. Thus, some decisions of Government would be regarded as less authoritative than others. It is contrary to accepted practice for Government decisions to be announced in terms which disclose or imply that they have been reached by a particular Committee of the Cabinet. Critics of the decision reached by a particular Ministerial Committee would press for its review by some other Committee or by the Cabinet, while the constitutional right of individual Ministers to speak in the name of the Government as a whole would be impaired.

31. The underlying principle is, of course, that the method adopted by Ministers for discussion among themselves of questions of policy is essentially a domestic matter, and is no concern of Parliament or the public. The doctrine of collective responsibility of Ministers depends, in practice, upon the existence of opportunities for free and frank discussion between them, and such discussion is hampered if the processes by which it is carried on are laid bare.

32. For these reasons it is also the general peace-time practice to avoid disclosure of particulars of the composition and terms of reference of Cabinet Committees, other than of one or two long-established Standing Committees.



### III.—PRECAUTIONS AGAINST UNAUTHORISED DISCLOSURES OF INFORMATION

33. Disclosures in the Press of matters under discussion by the Cabinet or its Committees damage the reputation of the Government, impair the efficiency of its administration and assist its opponents.

#### The General Rule

34. Ministers who share the collective responsibility for the Government's programme must be generally aware of the development of important aspects of Government policy. But, outside this narrow circle, knowledge of these matters should be confined to those, whether Ministers or officials, whose duty it is to assist in the formulation of the particular policy concerned, or who need to know what is afoot because of its effect on other aspects of public business for which they are responsible.

35. Government policy should not be discussed with persons outside Government service unless this is necessary for the transaction of public business; and care should be taken to see that private discussions between Members of the Government are not held in places where they may be overheard. In particular, it is contrary to the doctrine of collective responsibility to make known the attitude of individual Ministers on matters of policy.

#### Points to be Kept in Mind

36. Ministers have a personal responsibility for ensuring that all members of their staffs understand the need for exercising the strictest discretion, and in particular for seeing that the appropriate precautions are strictly observed in their Departments. In this connection the following considerations should be borne in mind:—

- (1) While it is within the discretion of Ministers to decide which of their advisers or subordinates should be shown Cabinet papers, the normal rule is that such papers should not be seen by any save their immediate advisers concerned in the formulation of policy. In particular, Cabinet papers should not be circulated as a matter of course to Information Officers or their staffs. It is important that these Officers should have enough background information to enable them to discharge their own functions intelligently, and to offer advice on matters within their province in time for it to be effective; and it is necessary for these reasons that they should be informed at once of some of the decisions of the Cabinet or its Committees and, on occasion, of progress in the formulation of policy by the Cabinet or its Committees. Each Minister is, however, personally responsible for deciding how much of this information should be conveyed to his Information Officer; and it is preferable that the information should be imparted, with appropriate guidance, by the Minister himself.
- (2) Ministers are expected to exercise a real measure of control in this matter, and must satisfy themselves from time to time that their instructions are being carried out.
- (3) A Minister who is a Member of the Cabinet has responsibilities wider than those of his own Department, and will in that capacity receive some documents which are of no concern to any of his subordinates.
- (4) A Parliamentary Private Secretary is not a member of the Government; and the information given to him should be correspondingly limited.
- (5) Documents containing or reflecting the personal views of Ministers are in a special category, and their handling requires special care, if the collective responsibility of the Cabinet as a whole is to be preserved. This applies particularly to the Minutes of the Cabinet and its main Standing Committees, in the handling of which the procedure laid down in paragraph 23 above should be followed.
- (6) If occasions arise on which it is necessary that any considerable number of officers should be consulted in particular issues arising out of Cabinet memoranda, this should be done by means of minutes addressed to the officers concerned, confined to the particular points on which they are required to advise, thus avoiding a wide circulation of the memoranda themselves.

- (7) Experience has shown that leakages of information have often occurred as a result of the skilful piecing together, by representatives of the Press, of isolated scraps of information, each in itself apparently of little importance, gathered from several sources. The only safe rule is, therefore, never to mention such matters even in the form of guarded allusions, except to those who must be informed of them for reasons of State, until the time has come when disclosure, in whole or in part, is authorised. Reasons of State may require, in appropriate cases, the confidential communication of some information to a responsible editor, lobby correspondent, &c., for purposes of guidance; but such communication is only justified where it can be ensured that the confidence and the terms on which it is made are respected.

#### **Need for Discretion**

37. Secrecy cannot, however, be secured solely by rules, however carefully drawn, restricting the circulation of papers; public business cannot be transacted without a fairly wide dissemination of confidential information within Government circles; and the essential point is the observance of a high standard of discretion by all who acquire knowledge of such information in the course of their duties—an attitude of mind which puts first the interests of the Government as a whole and subordinates everything to that end. It is the duty of Ministers to set this standard of discretion in regard to all confidential matters which come within their knowledge, to give an example to others, and to see that their example is followed.

#### **Responsibility of the Lord Chancellor**

38. The Prime Minister has asked the Lord Chancellor to assume a general responsibility for investigating unauthorised disclosures of information about the proceedings of the Cabinet or Cabinet Committees. Ministers are asked to notify the Lord Chancellor of any such disclosure which comes to their notice and to assist him in any investigation involving their Department.

### **IV.—MINISTERIAL SPEECHES, BROADCASTS, &c.**

#### **General**

39. When addressing meetings Ministers must keep within the ambit of Government policy and not anticipate decisions not yet made public. They must be careful in dealing with matters within the responsibility of other Ministers not to embarrass them by statements at variance with Ministerial pronouncements. In all cases of doubt they should consult the Minister concerned.

40. The Foreign Office should invariably be consulted before any mention is made of matters affecting our relations with foreign Powers or foreign affairs; and Ministers wishing to make reference to broad matters of defence policy should in all cases first consult the Minister of Defence. Ministers should also be specially careful in referring to matters affecting our relations with self-governing Commonwealth countries, or to the political aspects of Colonial affairs, *e.g.*, self-government in certain Colonies, and should consult the Commonwealth Relations Office or Colonial Office respectively, except where the matters falls within their own responsibility.

41. In the present international situation care is needed as to what is said by Ministers in conversations at social functions at Embassies. If matters of foreign policy are discussed at such functions, a note should be made afterwards of the salient points of the conversation and a copy sent to the Foreign Secretary.

#### **Effect on Parliamentary Business**

42. Unless they have first obtained the agreement of the Leader of the House of Commons, Ministers should avoid saying anything which might affect the programme of Government business in Parliament. Thus, they should not, without his agreement, promise White Papers, the publication of which might result in a demand for a special debate: and legislation should never be promised without the express approval of the Cabinet or the Legislation Committee. This is a matter in which special care is necessary, since statements made by Ministers are liable to be represented in the Press as foreshadowing early legislation.

### Speeches at Parliamentary By-Elections and Local Government Elections

43. Members of the Cabinet should not normally speak at By-elections; but other Ministers, including those of Cabinet rank, may do so. As a general rule Ministers above the rank of Parliamentary Secretary should not speak at local government elections. There may, however, be occasions on which a Minister may feel obliged to do so for special reasons, particularly in his own constituency.

### Broadcasting Arrangements

44. Ministerial broadcasts should be kept to the minimum. All Ministers intending to broadcast should communicate with the Postmaster-General, who will be responsible for obtaining the Prime Minister's approval in all cases and for making the necessary arrangements with the B.B.C. In view of the fact that broadcasts by Ministers may be regarded by the B.B.C. or by the Opposition as controversial and therefore giving a claim to a reply, the subject of the broadcast must in all cases be given and the Prime Minister may require to see either an outline or the text of a broadcast before giving approval.

## V.—PRESS ARTICLES AND INTERVIEWS BY MINISTERS

### Press Articles

45. Ministers are precluded from journalism in any form; but this prohibition does not extend to authorship of writings of a literary, historical, scientific, philosophical or romantic character. For these there are abundant precedents.

46. This rule need not be interpreted as debarring Ministers from writing, on occasion, articles or letters to newspapers, in order to supplement the means already used for enlightening the public in regard to measures before Parliament and other administrative questions affecting the work of their Departments. (On replies to letters and statements in the Press, see paragraph 62 below.)

47. Should a Minister deem it necessary to write such an article, he should not accept payment if it is offered. In deciding whether to write an article he should bear in mind his obligations to Parliament. For example, he should be careful not to discuss a Bill before it has received its Second Reading in the House of Commons.

48. These rules govern dealings with the foreign as well as the home Press.

### Interviews

49. The granting of special interviews to individual Press representatives is a matter for the discretion of the Minister concerned. As a general rule, however, the same considerations should apply as for written articles, *i.e.*, if granted, an interview should be confined to elucidating the policy or work of the Minister and Department concerned. The same considerations regarding obligations to Parliament also apply, and Ministers should bear in mind that an interview granted to a representative of a single newspaper or agency may arouse jealousy and thus hostility in the rest of the Press.

### Contributions to Party Publications

50. The general prohibition on the writing of articles for the Press need not be regarded as debarring Ministers from contributing to the publications of the political organisations with which they are associated. Payment should not be accepted for such articles.

### General

51. In general, Ministers should keep such activities to a minimum, and bear in mind that their relations with the Press are always liable to be the subject of Questions in Parliament. Ministers should refer to the Prime Minister in any case about which they are in doubt.

## VI.—PARLIAMENTARY PRIVATE SECRETARIES

52. Parliamentary Private Secretaries occupy a special position which is not always understood by the general public, either at home or abroad. They are not members of the Government, and should be careful not to be spoken of as such. They are Private Members, and should therefore be afforded as great a liberty of action as possible; but their close and confidential association with Ministers necessarily imposes certain obligations on them, and has led to the generally accepted practice set out in the following paragraph.

53. Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the Department with which they are connected. They should also exercise great discretion in any speeches or broadcasts which they make outside the House, taking care not to make statements which appear to be made in an official or semi-official capacity, and bearing in mind at the same time that, however careful they may be to make it clear that they are speaking only as Private Members, they are nevertheless liable to be regarded as speaking with some of the authority which attaches to a member of the Government. Generally they must act with a sense of responsibility and with discretion; and they must not associate themselves with particular groups advocating special policies.

## VII.—ABSENCE OF MINISTERS FROM THE UNITED KINGDOM

54. It is the established practice for a Member of the Cabinet or a Minister in charge of a Department to obtain the King's permission to be absent from the United Kingdom, whether on duty or on leave, and to inform His Majesty of the arrangements which he proposes to make for the administration of his office during that time.

55. Any such arrangements must have the Prime Minister's prior approval and are subject to certain general limitations. In the absence of a Secretary of State, submissions to His Majesty must be made on his behalf by another Secretary of State. Submissions on behalf of the First Lord of the Admiralty may be made in his absence by the Senior Lord Commissioner. In the absence of other Cabinet Ministers, submissions may be made by the Parliamentary Secretary of the Department concerned, if he is a Privy Councillor; if not, by another Cabinet Minister.

56. Parliamentary Secretaries who wish to be absent from the United Kingdom should obtain the consent of the Prime Minister as well as of their own Minister.

## VIII.—MISCELLANEOUS

57. Ministers may find it helpful to have available in this note a reference to instructions issued from time to time on other procedural and allied matters.

### Statements after Questions

58. When Parliament is in session, important announcements of Government policy should be made, in the first instance, in Parliament. At the same time it is desirable to keep to the minimum the number of announcements made by way of statements at the end of Questions.

Ministers are asked to conform with the following procedure:—

- (a) Ministers proposing to make a statement after Questions, whether or not it is related to a Question on the Order Paper, should notify the Prime Minister's Private Secretary as early as possible and in any event not later than 10 a.m. on the day on which the statement is to be made. Particulars should be given of the subject matter of the proposed statement, the date on which it is desired to make it, and the grounds for making it on that date and adopting this method of announcement. It should also be stated whether the announcement has been approved by the Cabinet or one of its Committees.

- (b) Copies of the draft statement should be sent, as soon as it is available, to the Prime Minister's Private Secretary and to the Leader of the House of Commons and the Chief Whip. These copies should arrive not later than 10 a.m. on the day on which the statement is to be made.
- (c) It is at times desirable that a copy of such a statement should be shown to the Opposition shortly before it is made. If this is desired, a copy of the final text should reach the office of the Chief Whip in the House of Commons not later than 10 a.m. on the day on which the statement is to be made.
- (d) A copy of the final text should in all cases be sent to the Speaker.
- (e) It may sometimes be expedient that a statement should be made simultaneously in the House of Lords. Ministers should, where necessary, consult the Leader of the House of Lords on this point.

#### Publicity Arrangements for White Papers

59. Care must be taken to avoid any possibility of an infringement of Parliamentary Privilege when publicity arrangements are made for White Papers. The accepted practice is for final revised proof copies of White Papers to be made available to Lobby Correspondents somewhat in advance of their being laid in the Vote Office and for Ministers to hold a Lobby Conference if they think it desirable. The Prime Minister has made his Adviser on Public Relations responsible for these arrangements generally and he should always be consulted by Department officials if there is any question of a wider advance distribution than this. Such wider distribution—*e.g.*, to industrial correspondents—is to be avoided save in exceptional circumstances.

#### Signature on Subordinate Legislation

60. As a normal rule Ministers should themselves sign all statutory instruments (other than Orders in Council) which fall within the terms of reference of the Select Committee on Statutory Instruments, *i.e.*, all instruments laid or laid in draft before Parliament, being instruments upon which proceedings may be, or might have been, taken in either House in pursuance of any Act of Parliament.

#### Crown Proceedings Act

61. Under the provisions of the Crown Proceedings Act, 1947, an order for discovery of documents may be made against Government Departments. If, however, the appropriate Minister is of opinion that the production of a particular document would be injurious to the public interest, he may withhold production of that document. This right to withhold production of a document is of the greatest importance and should be exercised only after the most careful consideration. The Minister himself must personally consider the document in question and form his own judgment, with such advice as he thinks fit to take, whether or not the public interest would be injuriously affected by its disclosure.

#### Replies to Letters and Statements in the Press

62. Possible methods of dealing with letters and statements to the Press which are inaccurate or otherwise objectionable are set out in C.P. (47) 178. The general line to be taken was stated in the Prime Minister's reply to a question on 8th October, 1946—

“It should be, I think, a general rule that, where the personal conduct of Ministers is concerned, the matter should be dealt with by the Minister himself.” (*Hansard*, Vol. 427, Col. 25),

and the reply given by Mr. Churchill in the House on 22nd February, 1945—

“The best practice is that Ministers of the Crown should themselves expound all matters of Government policy, and that press interviews by officials should only be given on Ministerial responsibility and after due authorisation by the political chief. Such expressions of opinion by officials would usually have regard to technical aspects only. Of course, in an emergency, exceptions may be made. The principle of Ministerial responsibility to Parliament is paramount” (*Hansard*, Vol. 408, Col. 954).

63. Letters to the Press from Information Officers should be purely informative and must not enter into arguments on the merits of Government policy.

**Consultation with the Trades Union Congress, &c.**

64. Ministers should be careful to ensure that, wherever appropriate, the Trades Union Congress—and in suitable cases individual Trades Unions—are taken into consultation at an early stage. Hard and fast rules cannot be laid down and individual Ministers must judge cases on their own merits. The normal practice as regards consultation on matters of general industrial policy and principle and on appointments to Government bodies, &c., is outlined in C.P. (47) 46. Ministers should also bear in mind the desirability of including in the membership of Government Committees and other bodies, where appropriate, either an official representative of the Co-operative Movement or a member of the Co-operative Movement chosen in his personal capacity.

**Employment of Judges**

65. Ministers should not approach Judges for extra-judicial work without consulting the Lord Chancellor.